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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,755	01/26/2004	Isaac Pendergrass	200314573-1	1942

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EXAMINER

IP, SHIK LUEN PAUL

ART UNIT PAPER NUMBER

2837

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/765,755

Applicant(s)

PENDERGRASS, ISAAC

Examiner

Paul Ip

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 1/26/2004 in compliances with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takada et al (2002/0157314) in view of Sugita et al (2002/0118626).

With respect to claims 1, 6, 9, 10, 11, 14, 15, 20, and 24, the patent to Takada et al discloses an automatic door sensor comprising a first sensor 51 and a second sensor 52 responding to the presence/absence of a user with hands within range of the sensors to control the opening/closing states of the doors. Whereas, the claims require controlling a media door. However, the patent to Sugita et al discloses an open and close mechanism for recording medium device for controlling the opening and closing of the recording medium. Prima facie case is made that the use of a hand gesture for opening and closing a door with a first sensor and a second sensor for detecting the

presence/absence of a user is notorious old in art, which can be seen in many door operating devices. Since Sugita et al's invention tries to solve the problem of the opening and closing mechanism of a recording medium device, and the use of the sensor devices for an automatic door sensor or a recording medium device door would provide the same door opening and closing function. It would have been obvious to one of ordinary skill in the art to use Takada et al's automatic door sensors for a media door to provide the door opening and closing function as taught or suggested by Sugita et al.

With respect to claims 2, 3, 16, 21, and 22, the patent to Takada et al discloses the sensors 51 and 52 changing the state of the media door from the open state to the close state when the user past from one side of the door to the other side of the door.

With respect to claims 4, 5, 12, 19, 23, and 28, Takada et al discloses the sensors 51 and 52 are infrared sensors [0040].

With respect to claims 7, 8, 13, 17, 18, and 25-27, Takada et al show in figures 3 and 4 the electronic sensor and control circuits. Sugita et al disclose the recording medium device for entertainment as recited in the claims.

Furthermore, the use of a hand gesture signal for opening and closing an automatic door is notorious old in the art as shown in many movies or electronic shows.

Citation of Pertinent References

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The publications/patents to Takada et al (6,782,660), Ohba et al (2002/0118114), Imahori et al (6,750,441) and Imahori et al (2002/0101348) disclose sensor devices for automatic doors.

The patents to Meikle et al (6,476,999 or 6,160,678) and Theobald et al disclose media device having a moving door.

The patent to Kumar et al (6,624,833) discloses a gesture based input interface system with shadow detection. Kumar et al disclose that the device could be used for door operating.

The patents to Iwamura (6,501,515 or 6,498,628) and Norton et al (5,704,836) disclose hand signal control devices having a hand signal detector for detecting the movement of the hand signals.

The publication to Joehl et al (2004/0227625) discloses a motor vehicle roof with a sensor for detecting the hand of a passenger to control the opening/closing function of the roof.

The patents/publications to Boliver (2004/0257020), Boliver (6,859,005), Feigleson (5,329,212), and Scott et al (2004/0174268) disclose motion sensor devices for opening the trash container door flap/opener.

The patents to Dietz (6,307,952) and Tokioka et al (5,714,698) are gesture detecting circuits.

The patents to Takahata (4,539,474) and Cookson et al (6,225,768) disclose automatic door control circuits comprising sensors for detecting the presence and absence of a passing body.

The patents and publications to Jaffe et al (2001/0030606 or 6,525,659 or 6,225,904) disclose sensors for detecting the presence and absence of a passing body to control the opening or closing of an automatic sliding door system.

Communication Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Ip whose telephone number is (571)-272-1941. The examiner can normally be reached on Monday to Friday from 6:30 am to 3:00 pm Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on (571)-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Paul Ip". The signature is fluid and cursive, with the first name "Paul" being more legible than the last name "Ip".

Paul Ip
Primary Examiner
AU 2837